

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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In re HOLOCAUST VICTIM ASSETS : 96 Civ. 4849 (ERK) (MDG)  
LITIGATION : (Consolidated with 99 Civ. 5161 and  
-----X 97 Civ. 461)

This Document Relates to All Cases :

-----**FINAL ORDER AND JUDGMENT**

WHEREAS a Memorandum & Order was filed on July 26, 2000, and corrected on August 2, 2000 (the "Final Approval M&O"), granting final approval of the Settlement Agreement and directing defendants to advise the court within seven business days of the initial filing date whether they intend to adhere to Amendment No. 2 to the Settlement Agreement and the accompanying memorandum to file dated August 9, 2000; and further,

WHEREAS, on August 4, 2000, defendants advised the Court that they intend to adhere to said amendments to the Settlement Agreement; it is hereby

ORDERED and ADJUDGED as follows:

1. The Settlement Agreement, as amended by (i) Amendment No. 1 to the Settlement Agreement and (ii) Amendment No. 2 to the Settlement Agreement and the accompanying memorandum to file, is granted final approval, and the Court hereby renders final judgment approving the Settlement Agreement, as amended.

2. The Court has jurisdiction over the subject matter of this action with respect to all claims and over all parties to this action, including all members of the plaintiff classes, as defined in the Settlement Agreement, as amended.

3. All parties and non-party releasees shall perform and carry out their respective obligations under the Settlement Agreement, as amended, including the implied covenant of good faith as discussed in the Final Approval M&O. No release shall issue to any non-party releasee that

breaches the duty of good faith as outlined in the Final Approval M&O or any other material term of the Settlement Agreement, as amended.

4. As to the settling defendants, the Court hereby dismisses this action on the merits and with prejudice against all persons and entities who are members of the plaintiff classes as to all settled claims, subject to the provisions of paragraph 6, below.

5. All members of the plaintiff classes who have not opted out in accordance with the Settlement Agreement, as amended, shall be deemed to have covenanted and agreed to the releases set forth in the Settlement Agreement, as amended.

6. Without affecting the finality of this Final Order and Judgment in any way, the Court hereby retains continuing jurisdiction over

a. the implementation of the settlement and distributions to plaintiff class members;

b. the disposition of the settlement fund and escrow fund;

c. this action until each and every act agreed to be performed pursuant to the Settlement Agreement, as amended, including the covenant of good faith, has been performed; and

d. all parties to this action and the plaintiff class members for the purpose of enforcing and administering the settlement.

7. To the extent necessary, the pleadings filed in this action are hereby amended to conform to this Final Order and Judgment.

8. There is no just reason for delay of the entry of this Final Order and Judgment, and it is therefore directed that judgment be entered.

Brooklyn, New York  
August 9, 2000

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Edward R. Korman  
United States District Judge